

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

In re:

Lehman Brothers Holdings Inc.,

Debtor.

**AFFIDAVIT IN SUPPORT OF
REQUEST FOR RELIEF**

Chapter 11
Case No. 08-13555-jmp
HON. JAMES M. PECK

CHARLES HIGGINS, being duly sworn deposes and says:

1. I am a VP OF LOAN DOCUMENTATION

with Wells Fargo Bank, NA., d/b/a America's Servicing Company, as Servicer for U.S. Bank National Association, as Trustee for the Structured Asset Investment Loan Trust Series 2005-HE3 (hereinafter "The Trust") a secured creditor in the above-captioned matter.

2. On June 15, 2005, Rick Kealoha Pa, Jr. (hereinafter "Borrowers") borrowed \$432,000.00 from BNC Mortgage, Inc. The indebtedness was evidenced by a note, which was secured by a mortgage on the real property commonly known as 95-213 Akuli PL, Mililani, Hawaii 96789. The mortgage was held by Mortgage Electronic Registration Systems, Inc. (hereinafter "MERS") as nominee for BNC Mortgage, Inc. Said mortgage was later assigned to The Trust.

3. On September 15, 2008, Debtor filed for bankruptcy protection. Therefore in

accordance with 11 U.S.C. §362 The Trust's foreclosure action was stayed.

4. A subordinate mortgage issued by Mortgage Electronic Registration Systems Inc. as nominee for BNC Mortgage, Inc. Upon information and belief BNC Mortgage, Inc. is a division of Lehman Brothers Holding, Inc. (hereinafter "Debtor").

5. The Borrower is in default under the terms of the note and mortgage.

6. In order to proceed with a foreclosure action, The Trust must name all subordinate lien holders, including the Debtor, in the foreclosure action.

7. By reason of the bankruptcy filing by the Debtor, The Trust is stayed from proceeding with the foreclosure.

WHEREFORE, The Trust respectfully requests that an order be entered granting relief from the automatic stay to allow The Trust to proceed with its foreclosure action against the real property.

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Sworn to before me on the
28th day of July 2011

Steven David Hoke
Notary Public

